

Permit Exemptions

Regulation 61–25: Retail Food Establishments



scdhec.gov/food

There are different situations and types of facilities that are not required to have a DHEC issued permit and do not have to undergo inspections. Most do not require a permit, because they do not involve the preparation of [Time/Temperature Control for Safety \(TCS\)](#) food. Below are some examples of foods that may be sold and processes that may occur without a permit. Please see [Regulation 61-25, Citation 8-301.12 \(A\)](#), for additional information.

Businesses that Only Serve:

- » Popcorn, cotton candy, or candy apples
- » Beverages (examples: soft drinks, tea)
- » Nachos with cheese product
- » Commercially dehydrated pre-packaged pork skins
- » Pre-formed or prepared pretzels
- » Coffee based beverages served with pasteurized dairy products
- » Beverages prepared upon request from commercially pre-packaged powdered mix without added TCS ingredients and served in a single service cup
- » Commercially pre-packaged, pre-cut frozen fries
- » Boiled peanuts or boiled/grilled corn
- » Shaved ice products, including those served with pasteurized dairy products
- » Funnel cakes, mini-donuts, or similar products prepared using a limited operation*

Home-Based Operations:

- » Prepare only non-TCS food such as cakes, breads, cookies, and candy for direct sale to consumer
- » These operations must also comply with [Home Based Food Production, SC §44-1-143](#)

Motels & Hotels:

- » Must prepare only non-TCS breakfast food or serve only pre-packaged food
- » Dispense commercially pre-packaged waffle mix from self-service units*

Boarding Houses, Hunt Lodges, and Outdoor-Adventure Tours:

- » Must provide room and board or restrict food service to only residents or participants

Bed and Breakfasts:

- » Must have 10 rental rooms or less and a residential kitchen

Churches and Charitable Organizations:

- » May serve TCS food to members and invited guests
- » May sell non-TCS baked goods (cakes, breads, cookies) to members, guests, and the public throughout the year
- » Only serve TCS food to the public on premises 12 times a year or less

Soup Kitchens or Food Banks:

- » Food must be free and for persons in need of assistance

Cooking Schools or Classes:

- » Registered students prepare the food and are the exclusive consumers of the prepared food

Personal Chefs:

- » Prepare and serve at private residence to owner, occupants, and guests

Vending Machines or Convenience Stores:

- » Sell only commercially pre-packaged food from a food processing plant

Other Operations:

- » Operate out of the individual's dwelling, preparing non-TCS food with a low risk food process such as the following:
 - Jams, jellies, preserves, and dried fruits
 - Dry herbs, seasonings, and mixtures
 - Vinegar and flavored vinegars

*Product (batter) must NOT be held out of temperature more than four (4) hours; leftover portions of these products must be discarded at the end of service.